outcomes of the activity, and ''customer satisfaction'' measures of performance.

§ 292.5 Proposal selection process.

The proposal evaluation and selection process will consist of three principal phases: Proposal qualifications; proposal review and selection of finalists; and award determination as follows:

(a) *Proposal qualification.* All proposals will be reviewed by NIST to assure compliance with the proposal content and other basic provisions of this part. Proposals which satisfy these requirements will be designated qualified proposals; all others will be disqualified at this phase of the evaluation and selection process.

(b) *Proposal review and selection of finalists.* NIST will appoint an evaluation panel to review and evaluate all qualified proposals in accordance with the evaluation criteria and values set forth in this part. Evaluation panels will consist of NIST employees and in some cases other federal employees or non-federal experts who sign non-disclosure agreements. A site visit may be required to make full evaluation of a proposal. From the qualified proposals, a group of finalists will be numerically ranked and recommended for award based on this review.

(c) *Award determination.* The Director of the NIST, or her/his designee, shall select awardees based on total evaluation scores, geographic distribution, and the availability of funds. All three factors will be considered in making an award. Upon the final award decision, a notification will be made to each of the proposing organizations.

§ 292.6 Additional requirements.

Federal policies and procedures. Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

[FR Doc. 95–21253 Filed 8–28–95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket Nos. 89F–0400, 89F–0508, and 92F–0163]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Fatty Acid Esters

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sucrose fatty acid esters as emulsifiers, stabilizers, and texturizers in chewing gum, confections, and frostings; texturizers in surimi-based fabricated seafood products; and emulsifiers in coffee and tea beverages with added dairy ingredients and/or dairy product analogues. This action is in response to petitions filed by the Nebraska Department of Economic Development and Mitsubishi Kasei Corp.

DATES: Effective August 29, 1995; written objections and requests for a hearing by September 28, 1995.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Blondell Anderson, Center for Food Safety and Applied Nutrition (HFS–207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3106, or
Dennis M. Keefe, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3102.

SUPPLEMENTARY INFORMATION: In notices published in the **Federal Registers** of October 24, 1989 (54 FR 43338), January 10, 1990 (55 FR 908), and May 13, 1992 (57 FR 20495), FDA announced that food additive petitions (FAP 9A4166, FAP 0A4183, and FAP 2A4321, respectively) had been filed by the Nebraska Department of Economic Development, 301 Centennial Mall South, Lincoln, NE 68509 (FAP 9A4166), and Mitsubishi Kasei Corp., 5–2, Marunouchi 2-Chome, Chiyoda-ku, Japan (FAP 0A4183 and FAP 2A4321), proposing that § 172.859 *Sucrose fatty acid esters* (21 CFR 172.859) be amended to provide for the safe use of sucrose fatty acid esters as emulsifiers, stabilizers, and texturizers in chewing gum, confections and frostings; as texturizers in surimi-based fabricated seafood products; and as emulsifiers in coffee and tea beverages.

FDA has evaluated data in these petitions and concludes from all the available data that there is a reasonable certainty that the proposed uses are safe. In reaching this conclusion, the agency has among other things, calculated the estimated daily intake from the proposed uses and all previously approved uses of sucrose fatty acid esters (Ref. 1). The agency has also calculated from toxicological information the acceptable daily intake level of sucrose fatty acid esters (Ref. 2). The agency finds that the estimated daily intake from the proposed uses and all approved uses is less than the estimated acceptable daily intake level. Thus, the agency concludes that the food additive regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petitions and the documents that FDA considered and relied upon in reaching its decision to approve the petitions are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with one of the information contact persons listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before September 28, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state.

Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. DiNovi, M., Memorandum to L. Tarantino, May 23, 1995.

2. Bleiberg, M., Memorandum to B. Anderson et al., November 4, 1993.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e).

2. Section 172.859 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 172.859 Sucrose fatty acid esters.

* * * * *

(c) * * *

(1) As emulsifiers as defined in § 170.3(o)(8) of this chapter, or as stabilizers as defined in § 170.3(o)(28) of this chapter, in baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, in chewing gum as defined in § 170.3(n)(6) of this chapter, in coffee and tea beverages with added dairy ingredients and/or dairy product analogues, in confections and frostings as defined in § 170.3(n)(9) of this chapter, in dairy product analogues as defined in § 170.3(n)(10) of this chapter, in frozen dairy desserts and mixes as defined in § 170.3(n)(20) of this chapter, and in whipped milk products.

(2) As texturizers as defined in § 170.3(o)(32) of this chapter in biscuit mixes, in chewing gum as defined in § 170.3(n)(6) of this chapter, in confections and frostings as defined in § 170.3(n)(9) of this chapter, and in surimi-based fabricated seafood products.

* * * * *

Dated: August 8, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–21378 Filed 8–28–95; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 176

[Docket No. 93F–0335]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ammonium zirconium lactate-citrate complexes for use as insolubilizers for clay coatings with protein binders in coatings for paper and paperboard intended for use in contact with food. This action is in response to a food additive petition filed by Sequa Chemicals, Inc.

DATES: Effective August 29, 1995; written objections and requests for a hearing by September 28, 1995.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3084.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 15, 1993 (58 FR 53518), FDA announced that a food additive petition (FAP 3B4386) had been filed by Sequa Chemicals, Inc., One Sequa Dr., Chester, SC 29706–0070. The petition proposed that the food additive regulations be amended to provide for the safe use of ammonium zirconium lactate-citrate complexes for use as insolubilizers for binders used in clay coatings for paper and paperboard intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. Based upon its review, the agency concludes that the use of ammonium zirconium lactate-citrate complexes should be limited to use as insolubilizers only for clay coatings with protein binders in coatings for paper and paperboard. The agency also concludes that, as so limited, the proposed food additive use is safe, and that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before September 28, 1995 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and